

Amendment A Legislative Response To Classified Immunity Deal For Contractor KBR That Exposed Oregon National Guardsmen To Toxic Chemicals In Iraq

WASHINGTON – Today, Congress sent a version of the National Defense Authorization Act of 2011 to President Obama that included an amendment championed by Oregon Reps. Earl Blumenauer and Kurt Schrader and Sens. Ron Wyden and Jeff Merkley bringing greater transparency to the war contracting process. The amendment requires the Secretary of Defense to notify the Congressional defense committees when the Pentagon enters into indemnification agreements with contractors connected to U.S. military efforts abroad and explain why such a provision is necessary.

The legislative victory culminates a process that began during the last Congress to reform how the Pentagon does business with defense contractors. The push was sparked by the stories of 34 members of the Oregon National Guard who are suing KBR after exposure to the lethal carcinogen hexavalent chromium during their 2003 tour in Iraq while protecting the Qarmat Ali Water Treatment Facility. The Qarmat Ali site, contracted to KBR for reconstruction, left Oregon troops with chronic medical problems.

The lawsuit revealed the existence of a classified indemnification clause in the KBR contract that could absolve the company from liability and shift the cost of unlimited damages, health costs and court fees onto the Department of Defense and, by extension, U.S. taxpayers. That contract was fully declassified this week as the Iraq war came to an official close.

“This is a victory for transparency in our military contracting process,” **said Blumenauer**. “It is also a victory for the 34 Oregon National Guard members whose health was endangered by a military contractor that received a classified immunity deal from the Pentagon. The tragic case of KBR and the recently declassified indemnification agreement are a perfect example of why we need these protections for American taxpayers. By forcing the Pentagon to conduct business with contractors out in the open, we are restoring a sense of public accountability for companies whose operations may endanger our troops.”

“From now on contractors doing business with the Department of Defense are not going to get a free pass to be reckless and irresponsible with the lives and health of American soldiers,” **said Wyden**

. “By shining a light on these secret agreements, we are making sure that there will be no repeats of what happened to National Guard troops from Oregon and other states at Qarmat Ali in Iraq or anywhere else that troops are sent to protect private contractors.”

“We have been working to get justice for our Oregon guardsmen for a long time,” **said Schrader**

“This addition to the conference report marks an important step towards addressing the inadequate processes which unnecessarily put our guardsmen in harm’s way.”

“Bottom line: If a private company causes harm, they should be liable for the damages,” **said Merkley**

. “We know all too well from the KBR disaster that these indemnification contracts are bad deals for both our soldiers and their families. Taxpayers should not be on the hook for the misdeeds of private companies.”

The Oregon veterans weren’t the only ones affected by the chemical exposure. National Guard troops from Indiana, Texas, West Virginia and North Carolina – who were also assigned to protect Qarmat Ali – have been diagnosed with similar health problems.